

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: 5/28/19
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

-against-

GREGORY T. DEAN and DONALD J.
FOWLER,

Defendants.
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1:17-cv-139-GHW

ORDER

GREGORY H. WOODS, United States District Judge:

For the reasons stated on the record during the teleconference held on May 22, 2019:

(i) Defendants' motion to exclude the testimony of Eugene Bernardo, Dkt. No. 126, is **DENIED**;
(ii) Defendants' motion to exclude evidence concerning other customer disputes, Dkt. No. 128, is **DENIED**; (iii) Defendants' motion to exclude evidence related to alleged unauthorized trades, unsuitability, and churning, Dkt. No. 130, is **DENIED**; (iv) Plaintiff's motion to exclude evidence and argument regarding customer sophistication, post-investment disclosures, and SEC communications, Dkt. No. 107, is **GRANTED in part and DENIED in part**. Plaintiff's motion is granted with respect to evidence of customer sophistication and the SEC communications. It is denied with respect to the post-investment disclosures.

The Clerk of Court is directed to terminate the motions pending at Dkt. Nos. 107, 126, 128, and 130.

SO ORDERED.

Dated: May 24, 2019
New York, New York

GREGORY H. WOODS
United States District Judge